

# The Middletown Zoning Board of Review Minutes June 22, 2010

The regular monthly meeting of the Middletown Zoning Board was held on June 22, 2010 at 7:00p.m. Present at this meeting were Chairman-Tom Silveira, Secretary- Lucy Levada, Board Members-Tom Newman, Steve MacGillvary, 1st Alternate Greg Schultz, 2nd Alternate Michael Potter, 3rd Alternate Frank Flanagan, Town Solicitor Turner Scott, and Zoning Officer Jack Kane.

**Absent from meeting Vice Chairman-Peter Van Steeden.**

**1st Alternate -Greg Schultz will be a voting member on these petitions.**

**A motion was made by Steve MacGillvary and second by Tom Newman to accept the secretary's minutes of May 25, 2010. Motion carried 5-0**

**Continues /Withdrawals:**

**1. Petition of:- Peter Gallipeau- Special meeting-----**  
**June 29, 2010**

2. **Petition** of: **Peter**  
**Gallipeau**-----**July 27, 2010**

### Continued Cases:

**1. Petition of: City of Newport Water Department- 43**

**Broadway-Newport, R.I.(owner-Metro PCS-285 Billerica Rd. Chelmsford ,Mass,(Applicant)-By their Attorney Jackie Salaga, Esq. 95 Indian Tr.- Saunderstown R.I.- for a Special Use Permit under Article 24- to allow construction of a new 75 foot tall wireless telecommunication facility (flagpole/monopole) and a 40x40' fenced equipment compound. Said real estate located at 219 Reservoir Rd. And further identified as Lot 73 on Tax Assessor's Plat 121 NW**

**2. Petition of: City of Newport Water Department- 43 Broadway-Newport R.I. (Metro PCS- 285 Billerica Rd.-Chelmsford, Mass. (Applicant)-By their Attorney Jackie Salaga Esq. 95 Indian Tr. Saunderstown R.I. - for a Variance from Articles 25 Section 2504A- to allow the construction of a new 75 foot tall wireless telecommunication facility (flagpole monopole) capable of accommodating 2 carries where capacity of 5 carries is required. Said real estate is located at 219 Reservoir Rd. and further identified as Lot 73 on Tax assessor's Plat 121 NW.**

**Vice Chairman Tom Silveira recluse himself and Secretary Lucy Levada will chair this petition and 1st Alternate- Greg Schultz and 2nd Alternate Michael Potter will be voting members on this petition**

**# Exhibit A- 4 Pictures showing visibility of flagpole /monopole.**

**# Exhibit 1- Pictures Submitted by Mr. DeAscentis an abutter of the area**

**Abutters: Steve Wyley, Steve Fagan, Peter Swilker Real Estate Agent and consulting Scientist opposing this petition and states it would decrease properties. Letter on file from Planning Board. Dated May**

**18, 2010 stating they deny the petition that it does not comply with Zoning Ordinance. The Zoning Board feels that the Petitioner should go and search for other areas that would be more suitable for their wireless facility.**

**A Motion was made by Steve MacGillvary and second by Tom Newman to have the petitioner return at the July 27, 2010 meeting with a better location for their facility. Motion carried 5-0**

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**2. Petition of: Barry & Barbara Dunn- 250 Meadow Lane- Middletown R.I.(owner)- for a Special Use Permit from Article 16- to allow an accessory Family Dwelling Unit. Said real estate located at 250 Meadow Lane and further identified as Lot 113 on Tax Assessor's Plat 118**

**Secretary -Lucy Levada recuse herself from this petition**

**A motion was made by Steve MacGillvary and second by Tom Newman to grant the petition that the petitioners comply with the Zoning and Comprehensive plan. Petition Granted 5-0**

**3. Petition of: Joseph Ashness- 81 Ellery Road- Middletown, R.I.-(owner)- for a Variance from Sections 603,701.&803G- to construct a 26'x40'second floor addition with a left side yard setback of 11.15' where 15' is required also construct a 20x20' one story attached garage with a right side yard setback 3.25' where 15' is required. Said real estate is located at 81 Ellery Road and further**

identified as Lot 325 on Tax Assessor's Plat 115 SE.

Tom Newman and Michael Potter to recuse from voting on this petition. Frank Flanagan will vote on this petition.

A motion was made by Frank Flanagan and second by Lucy Levada to grant the petition granted 5-0

4. Petition of: Jonathan Cortes- 40 High St. -Middletown, R.I.-(owner)-for a Variance from Sections 603,701,&803G- to reconstruct the existing single family dwelling with a 24'x30' attached garage with a front yard setback of 24' where 25' is required and a 24'x30'-2story addition with a right side setback of 12' where 15 is required. And a right side setback of 1' where 15' is required. Said real Estate is located at 40 High Street and further identified as Lot 97G on Tax Assessor's Plat 108.

A motion was made by Steve MacGillvary and second by Tom Newman to grant the Variance and have the shed 2' from the boundary line. Petition granted 5-0

5. Petition of: Kevin Christensen- 6 Beachland Place- Middletown, R.I.- (owner) for a variance from Sections 603,701,&803G- to construct a 20'x36' two story addition with a rear yard setback of 32' where 50' is required. Said real estate is located at 6 Beachland Place and further identified as Lot 198 on Tax assessor's Plat 109NE.

A motion was made by Tom Newman and second by Greg Schultz to grant the petition with the conditions that there would not have 2 doors on front side and the height stays the same. Petition granted

**6. Petition of: Kevin Christensen- 6 Beachland Place- Middletown, R.I. (Owner)-For a Special Use Permit from Article 16- to allow an Accessory Family Dwelling Unit. Said Real estate is located at 6 Beachland Place and further identified as Lot 198 on Tax Assessor's Plat 109 NE.**

**A motion was made by Tom Newman and second by Greg Schultz to grant the Variance and the Special Use Permit and to comply with the Zoning Ordinance 603,701,803G.**

**Petitions granted 5-0**

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**New Cases:**

**1. Petition of: Olga Tragesser-71 Aquidneck Ave.-Middletown, R.I.- (owner) to allow the construction of an 11.5'x44' deck addition with a right side yard setback of 11.8' where 15' is required and Lot coverage of 29% where 25 % is allowed. Said real estate is located at 71 Aquidneck Ave. and further identified as Lot 149 on Tax Assessor's Plat 115 SE.**

**A motion was made by Steve MacGillviary and second by Tom Newman to grant the petition Petition granted 5-0**

**2. Petition of: Charles Oliveira- 52 Moy Court- Middletown, R.I. -**

**(owner) for a variance from Sections 603,701,&803G- to allow the construction of 14'x34' deck with a rear yard setback of 14' where 50' is required. And lot coverage of 22% where 20% is allowed. Said real estate is located at 52 Moy Court and further identified as Lot 660 on Tax Assessor's Plat 111.**

**A motion was made by Lucy Levada and second by Steve MacGillivary to grant the petition. Petition granted 5-0**

**3. Petition of: Gail Genora-39 Swan Dr.-Middletown R.I. (Owner) to allow the construction of a 26'x16' attached garage with a front yard setback of 28.3' where 40' is required a left side yard setback of 19.5' where 20' is required and to construct a 16'x17'-10" addition with a rear setback of 37.3' where 50' is required. Said real estate is located at 39 Swan Dr. and further identified as Lot 297 on Tax Assessor's Plat 111.**

**A motion was made by Steve MacGillivary and second by Tom Newman to grant the petition with a condition that they demolish the old garage Petition granted 5-0**

**4. Petition of: Island Western Middletown-P.O. Box 9273-Oak Brook, Ill. 60522 (owner) and Agnoli Sign Company -P.O. Box 1055-Springfield, MA-101101-(Applicant)- for a Special Use Permit from sections 1211-B2 &1211-D2-b-to remove & existing wall mounted sign with a total area of 446 sq. ft. And install 8 new wall mounted signs with an area of 314.36 sq. ft. where 70 sq. ft. is allowed. Said real estate is located at 1360 West Main Rd, and further identified as Lot**

**54 on Tax Assessor's Plat 106.**

**Christin Moreau a spokesperson for Stop & Shop spoke on the new signage and stated that the word super will be taken off and will have a logo.**

**A motion was made by Steve MacGillviary and second by Tom Newman to grant the petition. Petition granted 5-0**

**Meeting adjourned 9:55**

**Respectfully Submitted**

**Lucy R. Levada**

**Secretary**